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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT

PAPER NUMBER

2166

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Please find below and/or attached an Office communication concerning this application or proceeding.

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A.G.

Office Action Summary

Application No.
09/672,523

Applicant(s)
Joseph et al.

Examiner
Alexander Kalinowski

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2166



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 13, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-43, 45-67, 246-253, 260-263, and 278-281 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-43, 45-67, 246-253, 260-263, and 278-281 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 10-43, 45-67, 246-253, 260-263, and 278-281 are presented for examination.

Oath/Declaration

2. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

3. The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

4. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

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Objections Related to Reissue Formalities

5. The amendment filed 12/20/2000 proposes amendments to add new claims 246-357 to the reissue application without presenting the entire text of the claims that do not comply with 37 CFR 1.173, which sets forth the manner of making amendments in reissue applications.

Furthermore, Applicant proposes amendments to new claims 10-243 without presenting the entire text of the amended new claims. Although the proposed amendments were not presented in the manner of making amendments as set forth by CFR 1.173, the Examiner considered all of Applicant's proposed amendments as if they had been presented in the proper manner. However, a supplemental paper correctly amending the reissue application is required.

Claim Rejections - 35 USC § 251

6. Claims 10-43, 45-67, 246-253, 260-263, and 278-281 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Specification

7. **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.

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- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- © Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96© and MPEP § 608.05. The total number of microfiche and the total number frames should be specified.
- (e) Background of the Invention: The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the

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Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (I) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet. (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps.
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 250 words or less on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing: See 37 CFR 1.821-1.825.

The Examiner notes that the specification does not contain any title headings for identifying the various sections of the specification described above.

8. The disclosure is objected to because of the following informalities: The specification fails to disclose continuing data entries with respect to divisional reissue applications that have been filed by Applicant. The Examiner has identified the following divisional reissue applications filed by Applicant that have been filed for a single original patent: App. Ser. No. 09/903,457, 09/903,091, 09/903,448 and 09/903,458.

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Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: grammatical and typographical errors.

a. In col. 3, line 3 after “acts” add --as--; and

b. in col. 8, line 2 after “located” add --at--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 10-43, 45-67, 246-253, 260-263, and 278-281 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, line 6, the claimed limitation of “enabling the user ...” is indefinite in that it cannot be determined from the language whether the item is ordered or if the claimed method merely denotes the capability or possibility of the item being ordered by a user. The same language or similar language is found throughout the claims, for example, in independent claims 28, line 4, claim 58, line 6, claim 260, line 5, claim 263, line 5, claim 278, line 4, claim 279, line 4, claim 280, line 3, and claim 281, line 4. For purposes of

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applying prior art, the Examiner will interpret the claim limitation to mean that a user places an order by a single interaction with the client.

12. Claims 10-43, 45-67, 246-253, 260-263, and 278-281 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, line 4, the Examiner cannot determine the scope of the claim limitation of "showing and/or describing an item..." since it

cannot be determined if showing an item and describing an item are both required by the claimed limitation or if only one of the claimed limitations is required. The same language or similar language is found throughout the claims, for example, in independent claims 28, line 2, claim 58, line 3, claim 260, line 4, claim 263, line 3, claim 278, line 3, claim 279, line 2, claim 280, line 2, and claim 281, line 2. For purposes of applying prior art, the Examiner will interpret the limitation to mean "showing or describing an item".

13. Claims 28-37, 58-67, 248, 249, 252 and 253 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: ordering the item. The claims are directed to a system or method to facilitate ordering an item (see preamble of independent claims 28 and 58). However, the claimed elements do not recite any step of ordering the item.

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14. Claim 62 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears the Applicant inadvertently deleted the dependency of claim 62 although the language indicates the claim is dependent on another claim. For purposes of applying prior art, the Examiner will assume that claim 62 is dependent on claim 60.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

16. Claims 10, 12, 15, 16, 21-26, 28, 33-36, 38, 40, 43, 51-54, 58, 60, 63-66, 260, 262, 263, 278, 279, 280, and 281 are rejected under 35 U.S.C. 102(e) as being anticipated by Pat. No.

5,621,456, Florin et al (hereinafter Florin).

As to claim 10, Florin discloses a method of facilitating ordering an item using a distributed computing system including at least one client and at least one server, the method comprising (i.e. home shopping interface)(see Fig. 1, and col. 23, line 59 - col. 24, line 7):

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showing or describing an item to a user via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7);

enabling the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409); and

in response to the single interaction with the client, causing an order for the item to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 12, Florin discloses the method of claim 10, wherein causing the order to be placed is achieved by using:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and

user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

As to claim 15, Florin discloses the method of claim 10, wherein the distributed computing system is an interactive television system and wherein the showing or describing of the item is, at least in part, by television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

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As to claim 16, Florin discloses the method of claim 10, wherein the client includes an auxiliary data processor (unit 77) and a client computer (unit 62)(see Fig 2).

As to claim 21, Florin discloses the method of claim 10, wherein the system further includes a central processing facility in communication with the server and wherein the method comprises:

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sending information used in processing the order from the client to the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 22, Florin discloses the method of claim 10, further comprising: sending an order confirmation to the user to confirm the order (i.e. a confirmation of the order along with a delivery time is displayed to the user)(col. 24, lines 53-58).

As to claim 23, Florin discloses the method of claim 21, further comprising:
communicating information between the client and the server via the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

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As to claim 24, Florin discloses the method of claim 23, wherein a telephone system acts as the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 25, Florin discloses the method of claim 10 including receiving at the client data including;

- (a) information to show or describe the item via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 48 and col. 23, line 67 - col. 24, line 7); and
- (b) information to enable the user to order the item by the single interaction with the client (see Fig. 44-50, order button 409).

As to claim 26, Florin discloses the method of claim 25 wherein the data further includes an item identifier to identify the item (i.e. espresso and cappuccino maker)(Fig. 48)col. 24, lines 1-33).

As to claim 28, Florin discloses a method of facilitating ordering an item (i.e. home shopping interface)(see Fig. 1, and col. 23, line 59 - col. 24, line 7), the method comprising:

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providing a client with information to show and/or describe an item to a user (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7); and

enabling the user to order the item by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 30, Florin discloses the method of claim 28, including receiving the order from the client, the order including:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

As to claim 33, Florin discloses the method of claim 28, including providing the information in the form of a television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 34, Florin discloses the method of claim 28 including communicating with a central processing facility and wherein the client sends the order to the central processing facility for receipt via a transceiver (i.e. cable or telephone service provider provides cable television or

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telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1, transceiver 54 and col. 8, lines 19-31).

As to claim 35, Florin discloses the method of claim 34 wherein a telephone system acts as a central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 36, Florin discloses the method of claim 28 including providing an order confirmation to the client to confirm the order (i.e. a confirmation of the order along with a delivery time is displayed to the user)(col. 24, lines 53-58).

As to claim 38, Florin discloses a computer system to order an item (i.e. audiovisual user interface for selecting and displaying cable television and other audio-visual programs as well as controlling various audiovisual devices and interactive services ... user's home to a central file server)(col. 2, lines 36-48, col. 7, lines 41-45, col. 11, lines 29-32 and col. 23, lines 63-66) the system comprising:

a data processing system to show or describe an item to a user (cable or telephone service provider transmits an interleaved data stream ... from a central file server on the digital channel to the transceiver ... selection of TV Shop service results in a continuous full motion video display of

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various paid for commercials or advertising programs)(col. 3, lines 2-8 and col. 23, line 67 - col. 24, line 2); and

a client to enable the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409) and, in response to the single interaction, to cause an order for the item to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 40, Florin discloses the system of claim 38, wherein the client is to place the order using:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and
user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

As to claim 43, Florin discloses the system of claim 38, wherein the distributed computing system is an interactive television system and wherein the showing and/or describing of the item by the data processing system is, at least in part, performed utilizing a television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 49, Florin discloses the system of claim 38, including a central processing facility in communication with a server and wherein the client sends information used in

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processing to the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 51, Florin discloses the system of claim 49, wherein the central processing facility is to communicate information between the client and the server (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 52, Florin discloses the system of claim 51 wherein a telephone system acts as the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 53, Florin discloses the system of claim 38 including a data receiver to receive data including:

information to show or describe the item via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7); and

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information to enable the user to order the item by a single interaction with the client (see Fig. 44-50, order button 409).

As to claim 58, Florin discloses a computer system to facilitate ordering an item (i.e. audiovisual user interface for selecting and displaying cable television and other audio-visual programs as well as controlling various audiovisual devices and interactive services ... from the user's home to a central file server)(col. 2, lines 36-48, col. 7, lines 41-45, col. 11, lines 29-32 and col. 23, lines 63-66, the system comprising:

a data source to provide a client with information to show or describe an item to a user (i.e. home shopping services ... a channel identified as TV SHOP)(col. 10, lines 59-62, col. 12, lines 32-37 and col. 23, lines 59-66); and

an information source to provide a client with information to enable the user to order the item by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 60, Florin discloses the system of claim 58, including a data receiver to receive the order from the client, the order including:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and

user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

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As to claim 63, Florin discloses the system of claim 58, wherein the data source is to provide the information in the form of a television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 64, Florin discloses the system of claim 58 including a data transceiver to communicate with a central processing facility and wherein the client sends the order to the central processing facility for receipt via the data transceiver (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1, transceiver 54 and col. 8, lines 19-31).

As to claim 65, Florin discloses the system of claim 64 wherein a telephone system acts as the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1, transceiver 54 and col. 8, lines 19-31).

As to claim 66, Florin discloses the system of claim 58 wherein the data source is to provide an order confirmation to the client to confirm the order (i.e. a confirmation of the order along with a delivery time is displayed to the user)(col. 24, lines 53-58).

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As to claim 260, Florin discloses a machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitating ordering an item within a distributed computing system including at least one client and at least one server (i.e. home shopping interface)(see Fig. 1, col. 7, lines 41-45 and col. 23, line 59 - col. 24, line 7) by:

showing or describing an item to a user via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7);

enabling the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409); and

in response to the single interaction with the client, causing an order for the item to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 262, Florin discloses the machine-readable medium of claim 260, wherein the medium comprises a mass storage device(i.e. central file server)(Fig. 1 and col. 3, lines 2-8).

As to claim 263, Florin discloses a machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitating ordering an item (i.e. home shopping interface)(see Fig. 1, col. 7, lines 41-45 and col. 23, line 59 - col. 24, line 7) by:

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providing a client with information to show and describe an item to a user; (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 1 and Fig. 44-50 and col. 23, line 67 - col. 24, line 7) and

enabling the user to order the item by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 278, Florin discloses a method of facilitating ordering using a distributed computing system including at least one client and at least one server (i.e. home shopping interface)(see Fig. 1, and col. 23, line 59 - col. 24, line 7), the method comprising;

showing or describing an offering to a user via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7;

enabling the user to order the offering by a single interaction with the client (see Fig. 45-50, order button 409); and

in response to the single interaction with the client causing an order related to the offering to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 279, Florin discloses a method comprising;

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providing a client with information to show or describe an offering to a user (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7; and

enabling the user to order the offering by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 280, Florin discloses a computer system comprising:

a data processing system to show or describe an offering to a user (cable or telephone service provider transmits an interleaved data stream ... from a central file server on the digital channel to the transceiver ... selection of TV Shop service results in a continuous full motion video display of various paid for commercials or advertising programs)(col. 3, lines 2-8 and col. 23, line 67 - col. 24, line 2); and

a client to enable the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409) and, in response to the single interaction, to cause an order for the offering to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 281, Florin discloses a computer system comprising:

a data source to provide a client with information to show and/or describe in offering to a user (i.e. home shopping services ... a channel identified as TV SHOP)(col. 10, lines 59-62, col. 12, lines 32-37 and col. 23, lines 59-66; and

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an information source to provide a client with information to enable the user to order the offering by a single interaction with a client (see Fig. 45-50, order button 409).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 11, 29, 39, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claims 10, 28, 38, and 58 above, and further in view of Zachary et al., "Technology: HP is building Gadget to Make TVS Interactive" (hereinafter Zachary).

As to claim 11, Florin does not explicitly disclose the method of claim 10, wherein the single interaction is one of the group including:

selecting of a single button; and

pressing of a single button on a TV remote control.

However, Zachary discloses an interactive TV system including a TV control box and a remote controller so that a home user can shop (see abstract and page 1). While shopping on the interactive TV system, a user can press the remote controller to place an order for a product (see abstract and page 2). It would have been obvious to one of ordinary skill in the art at the time of

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Applicant's invention to include the method of claim 10, wherein the single interaction is one of the group including selecting of a single button and pressing of a single button on a TV remote control as disclosed by Zachary within Florin in order to make it easier for customer to make a purchase after watching an ad (see page 2, paragraph 9).

As to claims 29, 39, and 59, the claims are similar in scope to claim 11 and are rejected for the same reasons.

19. Claims are 13, 14, 17, 31, 32, 41, 42, 45, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claims 12, 30, 40, and 60 above, and further in view of Pires, Pat. No. 4,163,255.

As to claim 13, Florin does not explicitly disclose the method of claim 12, wherein the personal information includes at least one of the group including a user's name, address, method of payment and payment account number.

However, Pires discloses a billing method for a subscriber of a pay television system (see abstract). Pires further discloses storing a customer identifier in client memory (i.e. decoder) along with order information including a program identifier to identify the program being ordered (col. 3, lines 27-33 and col. 4, lines 5-18 and lines 46-52). The customer and program identifiers are then transmitted from the client (i.e. decoder) to the central computer (col. 4, lines 46-52).

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Although Pires does not disclose the personal information includes at least one of the group including user's name, address, method of payment and payment account number, Pires does transmit the customer identifier which identifies the customer ordering the item. Transmitting a customer identification number is equivalent to providing the user's name since both means identify the user submitting the order. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 12, wherein the personal information includes at least one of the group including a user's name, address, method of payment and payment account number as disclosed by Pires within Florin in order to furnish a billing system which is reliable and operates with a minimum of user effort (col. 1, lines 32-36).

As to claim 14, Florin does not explicitly disclose the method of claim 12, wherein the personal information is stored in memory in the client.

However, Pires discloses a billing method for a subscriber of a pay television system (see abstract). Pires further discloses storing a customer identifier in client memory (i.e. decoder) along with order information including a program identifier to identify the program being ordered (col. 3, lines 27-33 and col. 4, lines 5-18 and lines 46-52). The customer and program identifiers are then transmitted from the client (i.e. decoder) to the central computer (col. 4, lines 46-52).

Although Pires does not disclose the personal information includes at least one of the group including user's name, address, method of payment and payment account number, Pires does transmit the customer identifier which identifies the customer ordering the item. Transmitting a

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customer identification number is equivalent to providing the user's name since both means identify the user submitting the order. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 12, wherein the personal information is stored in memory in the client as disclosed by Pires within Florin in order to furnish a billing system which is reliable and operates with a minimum of user effort (col. 1, lines 32-36).

As to claim 17, Florin does not explicitly disclose the method of claim 12, wherein the client is associated with at least a set top box, and wherein the personal information is stored at the set top box.

However, Pires discloses a billing method for a subscriber of a pay television system (see abstract). Pires further discloses storing a customer identifier in a set top box (i.e. decoder) along with order information including a program identifier to identify the program being ordered (col. 3, lines 27-33 and col. 4, lines 5-18 and lines 46-52). The customer and program identifiers are then transmitted from the set top box (i.e. decoder) to the central computer (col. 4, lines 46-52).

Although Pires does not disclose the personal information includes at least one of the group including user's name, address, method of payment and payment account number, Pires does transmit the customer identifier which identifies the customer ordering the item. Transmitting a customer identification number is equivalent to providing the user's name since both means identify the user submitting the order. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 12, wherein the client is

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associated with at least a set top box, and wherein the personal information is stored at the set top box as disclosed by Pires within Florin in order to furnish a billing system which is reliable and operates with a minimum of user effort (col. 1, lines 32-36).

As to claims 31, 32, 41, 42, 45, 61, and 62, the claims are similar in scope to claims 13, 14, and 17 and the claims are rejected for the same reasons.

20. Claims 37, 54, 55, 67 and 246-253 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claims 25, 28, 53, and 58 above, and further in view of Harvey et al., Pat. No. 4,965,825 (hereinafter Harvey).

As to claim 246, Florin does not explicitly disclose the method of claim 25 wherein the information to enable includes code executable by the client to enable the user to order the item by the single interaction with the client.

However, Harvey discloses an interactive television system where a central broadcast location includes signals carrying commands, executable code (i.e. control instructions) and data and transmits the signal for receipt by computer systems at viewer locations (col. 6, lines 43-62 and col. 13, line 54- col. 14, line 8). The transmitted signals contain control instructions that control the client computer (instructions are addressed to and control the microcomputer 205 of each subscriber station)(col. 12, lines 47-57). The user can then input information under control

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of signals embedded in the transmitted datastream (i.e. broadcast signal)(col. 13, lines 31-41).

Furthermore, Harvey discloses an using the interactive television system to allow users to order

items (i.e. Or if you enter on your Widget Signal Generator TV568* and Local Input the

information that you see here on your screen...the ingredients you need for your recipe will be

delivered in time for dinner tomorrow.)(col. 280, line 58-vol. 281, line 5, line 61 -68). It would

have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include

the method of claim 25 wherein the information to enable includes code executable by the client

to enable the user to order the item by the single interaction with the client as taught by Harvey

within Florin in order to transmit data and control instructions in the same datastream (i.e.

information stream) to many different clients (i.e. different apparatus at subscriber stations)and

transmit standardized programming that is simple for users to play and understand (col. 6, lines

43-63).

As to claim 247, Florin does not explicitly disclose the method of claim 25 wherein the information to enable includes data to be processed by code executable by the client to enable the user to order the item by the single interaction with the client.

However, Harvey discloses an interactive television system where a central broadcast location includes signals carrying commands, executable code (i.e. control instructions) and data and transmits the signal for receipt by computer systems at viewer locations (col. 6, lines 43-62 and col. 13, line 54- col. 14, line 8). The transmitted signals contain control instructions that

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control the client computer (instructions are addressed to and control the microcomputer 205 of each subscriber station)(col. 12, lines 47-57). The user can then input information under control of signals embedded in the transmitted datastream (i.e. broadcast signal)(col. 13, lines 31-41). Furthermore, Harvey discloses an using the interactive television system to allow users to order items (i.e. Or if you enter on your Widget Signal Generator TV568* and Local Input the information that you see here on your screen...the ingredients you need for your recipe will be delivered in time for dinner tomorrow.)(col. 280, line 58-vol. 281, line 15 and line 61 -68). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 25 wherein the information to enable includes data to be processed by code executable by the client to enable the user to order the item by the single interaction with the client as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

As to claims 248-253, the claims are similar in scope to claims 246 and 247 and are rejected for the same reasons.

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As to claim 37, Florin does not explicitly disclose the method of claim 248 including multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client.

However, Harvey discloses multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client (i.e. the present invention has the capacity for transmitting data and control instructions in the same information stream to many different apparatus at a given subscriber station)(col. 6, lines 49-63, col. 22, lines 62-65 and col. 23, lines 15-44). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 248 including multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

As to claim 54, Florin does not explicitly disclose the system of claim 53 wherein the data receiver includes an auxiliary data extractor to extract the information to show and/or describe from the data and a packet data extractor to extract the information to enable from the data.

However, Harvey discloses multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client (i.e. the present invention has the

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capacity for transmitting data and control instructions in the same information stream to many different apparatus at a given subscriber station)(col. 6, lines 49-63, col. 22, lines 62-65 and col. 23, lines 15-44). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of claim 53 wherein the data receiver includes an auxiliary data extractor to extract the information to show and/or describe from the data and a packet data extractor to extract the information to enable from the data as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

As to claim 55, the claim is similar in scope to claim 54 and is rejected for the same reasons.

As to claim 67, the claim is similar in scope to claim 37 and is rejected on the same basis.

21. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claim 26 above, and further in view of Harvey.

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As to claim 27, Florin does not explicitly disclose the method of claim 26 wherein the item identifier includes any one of a group of identifiers including a code and a command.

However, Harvey discloses an interactive television system where a central broadcast location includes signals carrying commands, executable code (i.e. control instructions) and data and transmits the signal for receipt by computer systems at viewer locations (col. 6, lines 43-62 and col. 13, line 54- col. 14, line 8). The transmitted signals contain control instructions that control the client computer (instructions are addressed to and control the microcomputer 205 of each subscriber station)(col. 12, lines 47-57). The user can then input information under control of signals embedded in the transmitted datastream (i.e. broadcast signal)(col. 13, lines 31-41). Furthermore, Harvey discloses an using the interactive television system to allow users to order items (i.e. Or if you enter on your Widget Signal Generator TV568* and Local Input the information that you see here on your screen...the ingredients you need for your recipe will be delivered in time for dinner tomorrow.)(col. 280, line 58-vol. 281, line 15 and line 61 -68). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 26 wherein the item identifier includes any one of a group of identifiers including a code and a command as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

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22. Claim 261 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claim 260 above, and further in view of Harvey.

As to claim 261, the claim is similar in scope to claim 37 and is rejected for the same reasons.

23. Claims 18-20 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claim s 10 and 38 above, and further in view of Mustafa et al., Pat. No. 4,789,895 (hereinafter Mustafa).

As to claim 18, Florin does not explicitly disclose the method of claim 17, wherein the set top box is in communication with a local computer and associated storage and wherein the method further comprises:

the client retrieving information from one or more of the local computer and the associated storage.

However, Mustafa discloses the set top box (unit 33) is in communication with a local computer and associated storage and wherein the method further comprises the client retrieving information from one or more of the local computer and the associated storage (see Fig. 1, col. 3, lines 12-20, col. 4, lines 3-20, and col. 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the set top box is in communication with a local computer and associated storage and wherein the method further comprises the client retrieving information from one or more of the local computer and the

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associated storage as taught by Mustafa within Florin in order to synchronize a datastream sent from a central facility to a terminal in an interactive television system so that many users can initiate and interact with programs and services at different times (col. 2, lines 21-32).

As to claim 19, the method of claim 18, wherein the method further comprises:
controlling the client by means of the local computer.

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However, Mustafa discloses the set top box (unit 33) is in communication with a local computer and associated storage and the client retrieves information from one or more of the local computer (see Fig. 1, col. 3, lines 12-20, col. 4, lines 3-20, and col. 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 18, wherein the method further comprises controlling the client by means of the local computer as taught by Mustafa within Florin in order to synchronize a datastream sent from a central facility to a terminal in an interactive television system so that many users can initiate and interact with programs and services at different times (col. 2, lines 21-32).

As to claim 20, Florin does not explicitly disclose the method of claim 18, wherein the local computer is part of a local area network.

However, Mustafa discloses the method of claim 18, wherein the local computer is part of a local area network (see Fig. 1, col. 3, lines 12-20, col. 4, lines 3-20, and col. 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

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include the method of claim 18, wherein the local computer is part of a local area network as taught by Mustafa within Florin in order to synchronize a datastream sent from a central facility to a terminal in an interactive television system so that many users can initiate and interact with programs and services at different times (col. 2, lines 21-32).

As to claims 46-48, the claims are similar in scope to claims 18-20 and are rejected on the same basis.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Pat. No. 5,418,559 discloses a multi channel cable distribution system that transmits packetized digital information to subscribers.

b. Pat. No. 5,485,197 discloses an interactive home information system providing interactive cable television services to subscribers.

c. Pat. No. 5,848,399 discloses a computer based system for allowing consumers to purchase goods from home.

d. Pat No. 5,347,632 discloses an interactive computer system that permits a user to display desired information and perform desired transactions such as shopping.

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e. "Hewlett devises Way for Palm-Top PC to be Linked to Interactive Television"

discloses linking a palm-top PC to an interactive television system to allow users to use their TV's for shopping.

f. "Cable TV Plugs into Internet" discloses providing cable TV subscribers with access to the Internet.

g. "Centralization, Standardization are "Way to Go" discloses permitting a user using a modem to communicate with an office computer to order supplies by the push of a button.

h. "Information highway: The home front" discloses the development of new services for interactive television.

i. "Internet Gets Shopping Mall" discloses an Internet shopping mall where customers can order items by clicking on a buy button and filling out shipping instructions.

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25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski *AK*

1/9/2002

[Signature]
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